

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL J. ANDERER, CARLOS  
AGOSTA-RIVERA, JAMES AMBROSE,  
JR., JOSEPH APONTE, ELVIN AVILES-  
MENDEZ, CHRISTINE BAILEY,  
MELISSA BAIR, TYRONE BLUME,  
JOHN CLINGER, SANDRA COATES,  
MARY COSTELLO, PETER  
CUTHBERT, THOMAS L. DEACON,  
KEVIN DEPREFONTAINE, VALERIE  
FORD, MARK GERASIM, MONICA  
GRAY, LARRY GROFF, RAFAEL  
GUZMAN, JANICE HARMES, MERVIN  
HIGH, MICHAEL HOLLINGSWORTH,  
GLENN JACOBSON, JENNIFER JONES,  
RICHARD KELLUM, ELSIE KORTH,  
JOHN LENTZ, JOHN LUCAS, CARMEN  
MALDANADO, BLAINE MCCAMANT,  
MEREDITH MCHARG, CANDI  
MEDINA, JOSE MEDINA, JEFFREY  
MERRITT, ROBERT MEYERS, AISSA  
MILLS, DOUGLAS J. MOECKEL,  
KENNETH MOULTRIE, EDWARD  
NATAL, MILDRED OGUENDO, DORIS  
PEREZ, JOSEPH PEREZ-FELICIANO,  
NORBERTO PEREZ-FELICIANO,  
GLADIXA PEREZ- SERRANO,  
JEFFERY RUTH, DONALD SHAUB,  
MONICA WHITEHEAD, ROBERT  
ZERN, IRVIN ZINK and RED ROSE  
TRANSIT AUTHORITY

Plaintiffs

v.

MODEL MANAGEMENT SERVICES,  
INC., d/b/a FRIENDLY  
TRANSPORTATION, TIMOTHY  
SCHWARTZ, JOHN SCHWARTZ, PRO  
DRIVERS, INC., ELIZABETH A.  
SCHWARTZ, and MARTHA H.  
SCHWARTZ

Defendants

NO. 08-CV-4721

CIVIL ACTION

APPEARANCES:

SUSAN R. FRIEDMAN, ESQUIRE  
JOSEPH P. HOFMANN, ESQUIRE  
On behalf of Red Rose Transit Authority

KIRK L. WOLGEMUTH, ESQUIRE  
On behalf of Individual Plaintiffs

THERESA A. MONGIOVI, ESQUIRE  
On behalf of Defendants

**CONSENT DECREE**

NOW, THIS \_\_\_\_\_ day of \_\_\_\_\_, 2009, upon consideration of a Motion to Add Additional Plaintiffs and for Approval of Settlement, the Motion is GRANTED. It is hereby ORDERED as follows:

The Individual Plaintiffs, Carlos Agosta-Rivera, James Ambrose, Jr., Glenn Jacobson, Aissa Mills, and Kenneth Moultrie, are hereby added to this action and the caption shall be amended to reflect this change;

IT IS FURTHER ORDERED that each individual Agreement and General Release of Claims entered into between Carlos Agosta-Rivera, Michael J. Anderer, James Ambrose, Jr., Elvin Aviles-Mendez, Christine Bailey, Melissa Bair, Tyrone Blume, John Clinger, Sandra Coates, Mary Costello, Peter Cuthbert, Thomas Deacon, Kevin Deprefontaine, Valerie Ford, Mark Gerasim, Monica Gray, Larry Groff, Rafael Guzman, Janice Harmes, Mervin High, Michael Hollingsworth, Glenn Jacobson, Jennifer Jones, Richard Kellum, Elsie Korth, John Lentz, John Lucas, Carmen Maldonado, Blaine McCamant, Meredith McHarg, Candi Medina, Jose Medina, Jeffrey Merritt, Robert Meyers, Aissa Mills, Douglas Moeckel, Kenneth Moultrie, Edward Natal, Mildred Oquendo, Doris Perez, Joseph

Perez-Feliciano, Norberto Perez-Feliciano, Gladixa Perez-Serrano, Jeffery Ruth, Donald Shaub, Monica Whitehead, Robert Zern, Irvin Zink and Defendants Model Management Services, Inc., d/b/a Friendly Transportation, Timothy Schwartz, John Schwartz, Jr., Pro Drivers, Inc., Elizabeth A. Schwartz, and Martha H. Schwartz is APPROVED. It is ORDERED that the terms of each individual Agreement and General Release including the waiver of all claims under the Fair Labor Standards Act (FLSA) is hereby APPROVED;

IT IS FURTHER ORDERED, that the terms of each Agreement and General Release of Claims reflect negotiated terms and a reasonable resolution of a bona fide dispute over FLSA provisions;

IT IS FURTHER ORDERED that the above action filed by each Plaintiff identified in this Order is DISMISSED WITH PREJUDICE.

BY THE COURT:

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Paul S. Diamond  
United States District Judge

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MONICA WHITEHEAD, ROBERT  
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MODEL MANAGEMENT SERVICES,  
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SCHWARTZ

Defendants

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On behalf of Individual Plaintiffs

THERESA A. MONGIOVI, ESQUIRE  
On behalf of Defendants

**MOTION TO ADD ADDITIONAL PLAINTIFFS**  
**AND FOR APPROVAL OF SETTLEMENT**

Model Management Services, Inc. t/d/b/a Friendly Transportation, Timothy Schwartz, John Schwartz, Pro Drivers, Inc., Elizabeth A. Schwartz, and Martha H. Schwartz, (“Defendants”), by and through its attorneys, Theresa A. Mongiovi, and Blakinger, Byler & Thomas, P.C., and avers as follows:

1. Plaintiffs filed an action in this Court alleging claims sounding in breach of various contracts between Model Management Services, Inc. and Red Rose Transit Authority, violations of the Pennsylvania Wage Payment and Collection Law, Pennsylvania Minimum Wage Act, and the Fair Labor Standards Act.

2. Defendants filed an Answer and Counterclaim disputing the claims and denying that it has engaged in any illegal conduct toward Plaintiffs.

3. On February 26, 2009, the parties entered into a Memorandum of Understanding whereby it was envisioned that the parties would enter into independent general releases which would ultimately be approved by a Consent Decree. A true and correct copy of the Memorandum of Understanding is attached hereto as “Exhibit A.”

4. Since the parties entered into the Memorandum of Understanding, the parties have agreed to add five (5) additional Plaintiffs as parties to this action: Carlos Agosta-Rivera, James Ambrose, Jr., Glenn Jacobson, Aissa Mills, and Kenneth Moultrie.

5. The parties are requesting that these individuals be made formal parties to the action and that the caption of this case be amended to include these individuals.

6. Each individual Plaintiff, except for Joseph Aponte, has entered into an individual Agreement and General Release of Claims including a waiver of all claims under the Fair Labor Standards Act.

7. Defendants seek approval of this Court for each Agreement and General Release.

8. Defendants are requesting that pursuant to each Agreement and General Release, the actions filed by each Plaintiff, except for Joseph Aponte, be dismissed with prejudice

9. All counsel for these parties have consented to this Motion.

10. The parties are requesting that this Court enter an Order:

A. Approving the addition of individual Plaintiffs: Carlos Augsto-Rivera, James Ambrose, Jr., Glenn Jacobson, Aissa Mills, and Kenneth Moultrie and ordering that the caption shall be amended to include these individual Plaintiffs;

B. Approving each individual Agreement and General Release including the wavier of all claims under the Fair Labor Standards Act for the following individual Plaintiffs: Carlos Agosta-Rivera, Michael J. Anderer, James Ambrose, Jr., Elvin Aviles-Mendez, Christine Bailey, Melissa Bair, Tyrone Blume, John Clinger, Sandra Coates, Mary Costello, Peter Cuthbert, Thomas Deacon, Kevin Deprefontaine, Valerie Ford, Mark Gerasim, Monica Gray, Larry Groff, Rafael Guzman, Janice Harmes, Mervin High, Michael Hollingsworth, Glenn

Jacobson, Jennifer Jones, Richard Kellum, Elsie Korth, John Lentz, John Lucas, Carmen Maldonado, Blaine McCamant, Meredith McHarg, Candi Medina, Jose Medina, Jeffrey Merritt, Robert Meyers, Aissa Mills, Douglas Moeckel, Kenneth Moultrie, Edward Natal, Mildred Oquendo, Doris Perez, Joseph Perez-Feliciano, Norberto Perez-Feliciano, Gladixa Perez-Serrano, Jeffery Ruth, Donald Shaub, Monica Whitehead, Robert Zern, Irvin Zink;

C. Ordering that the above actions filed by the individual Plaintiffs identified in Subparagraph C be dismissed with prejudice;

BLAKINGER, BYLER & THOMAS, P.C.

/s/ Theresa A. Mongiovi

Theresa A. Mongiovi, Esquire

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Attorneys for Defendants

Dated: 6/17/09

#520475.1/27232.002

**CERTIFICATE OF SERVICE**

I hereby certify that on this date I have served the Motion to Add Additional Plaintiffs  
and for Approval of Settlement by electronic service:

Susan R. Friedman, Esquire  
Stevens & Lee, P.C.  
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Devine Law Office  
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Lancaster, PA 17602

***BLAKINGER, BYLER & THOMAS, P.C.***

Dated: 6/17/09

/s/ Theresa A. Mongiovi  
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